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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BANK OF AMERICA, NATIONAL
ASSOCIATION; and FEDERAL NATIONAL
MORTGAGE ASSOCIATION, a government
sponsored enterprise,

Plaintiffs,

vs.

GIAVANNA HOMEOWNERS ASSOCIATION
AKA THE GIAVANNA; and NEVADA
ASSOCIATION SERVICES, INC.;

Defendants.

Case No.: 2:16-cv-02763-APG-EJY

STIPULATION AND ORDER OF FINAL JUDGMENT CONFIRMING VALIDITY OF DEED OF TRUST

Plaintiffs Bank of America, N.A. (**BANA**) and Federal National Mortgage Association (**Fannie Mae**) and defendant Giavanna Homeowners Association aka the Giavanna (**Giavanna**), the only parties to have appeared in this matter, through their counsel of record, stipulate as follows:

1. This matter relates to real property located at 3648 Lakeside Villas Avenue, North Las Vegas, Nevada, 89081, APN 123-31-112-061 (the **Property**). The Property is more specifically described as:

LOT 236 OF FINAL MAP OF RUNVEE HOBART UNIT 2A, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 124 OF PLATS, PAGE 11, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA

APN 123-31-112-061

1 2. BANA, on Fannie Mae's behalf, is the beneficiary of record of a Deed of Trust that
2 encumbers the Property and was recorded on August 31, 2007, as Instrument No. 20070831-0003807
3 (the **Deed of Trust**).

4 3. On April 15, 2011, Giavanna recorded a Foreclosure Deed as Instrument No.
5 201104150000243 (the **HOA Foreclosure Deed**), reflecting that Giavanna purchased the Property at
6 a foreclosure sale of the Property held on April 1, 2011 (the **HOA Sale**).

7 4. Giavanna has not transferred its interest and is currently the title holder of record.

8 5. On December 2, 2016, BANA and Fannie Mae initiated an action for quiet title and
9 damages against Giavanna and Nevada Association Services, Inc. (**NAS**) in the United States District
10 Court, District of Nevada, Case No. 2:16-cv-02763-APG-EJY.

11 6. BANA, Fannie Mae, and Giavanna have agreed to a resolution of all claims against
12 Giavanna and NAS.

13 7. The parties have agreed as part of their settlement that the Deed of Trust survived and
14 was not extinguished in any capacity by the HOA Sale or the recording of the HOA Foreclosure Deed.
15 The Deed of Trust remains a valid encumbrance against the Property following the recording of the
16 HOA Foreclosure Deed, and Giavanna's interest in the Property is subject to the Deed of Trust. This
17 stipulation is made for purposes of this action only and is not a waiver by any Party of its legal position
18 in any other case or an admission of liability in this or any other action.

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8. Based on this stipulation, BANA stipulates to dismissing its breach of NRS 116.1113 and wrongful foreclosure claims against Giavanna and NAS with prejudice.

DATED: December 11, 2019.

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/s/ Nicholas E. Belay, Esq.

/s/ Colli C. McKiever, Esq.

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ORDER

Based on the above stipulation between plaintiffs Bank of America, N.A. (**BANA**) and Federal National Mortgage Association (**Fannie Mae**) and defendant Giavanna Homeowners Association aka the Giavanna (**Giavanna**), the Parties' agreement, and good cause appearing therefore,

IT IS ORDERED that the Deed of Trust recorded in the Official Records of Clark County, Nevada against the real property located at 3648 Lakeside Villas Avenue, North Las Vegas, Nevada, 89081, APN 123-31-112-061 (the **Property**) on August 31, 2007, as Instrument No. 20070831-0003807 (**Deed of Trust**) was not extinguished, impaired, or otherwise affected by the foreclosure sale conducted by Giavanna on April 1, 2011, or the recording of the Foreclosure Deed in the Official Records of Clark County, Nevada on April 15, 2011, as Instrument No. 201104150000243, reflecting that Giavanna purchased the Property at the HOA Foreclosure Sale. Giavanna's interest in the Property is subject to the Deed of Trust.

IT IS FURTHER ORDERED that BANA and Fannie Mae shall be entitled to record this STIPULATION AND ORDER OF FINAL JUDGMENT CONFIRMING VALIDITY OF DEED OF TRUST in the Official Records of Clark County, Nevada in accordance with the rules of the Recorder's Office.

IT IS FURTHER ORDERED BANA's breach of NRS 116.1113 and wrongful foreclosure claims against Giavanna and Nevada Association Services, Inc., are dismissed with prejudice.

IT IS FURTHER ORDERED that this order constitutes the final judgment of this Court, resolving all claims in this case with prejudice, each party to bear its own fees and costs.

Dated: December 16, 2019.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE

Case No. 2:16-cv-02763-APG-EJY